

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States of America
v.
Cristian Josue GARZA (USC) YOB: 1994

Case No. 7:18wj 2154

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.


On or about the date(s) of October 20, 2018 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
Title 18 USC: 922(g)(1)	1. Title 18 USC Section 922(g)(1) – Felon in Possession of a Firearm

This criminal complaint is based on these facts:

SEE ATTACHMENT A

☒ Continued on the attached sheet.

Approved by David A. Lindenmuth
 10/22/18

 ATF S/A
Complainant's signature

Freddie Summers, ATF Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date: 10/22/18 2:23 a.m.

City and state: McAllen, TX


Judge's signature
Juan F. Alanis, U.S. Magistrate Judge
Printed name and title

Attachment A

I, Special Agent (S/A) Freddie Summers, affiant, do hereby depose and state the following:

I am a Special Agent of the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives. As a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives, I am vested with the authority to investigate violations of Federal laws, including Titles 18, 26, and 21, United States Code.

This affidavit is in support of a criminal complaint charging Cristian Josue GARZA with:

Title 18, U.S.C., Section 922 (g)(1) – It shall be unlawful for any person who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year, to receive, possess, or transport any firearm or ammunition in or affecting interstate or foreign commerce; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

The facts establishing probable cause are based on the following:

1. On Saturday, October 20, 2018, Special Agents (S/As) with Homeland Security Investigations (HSI) were conducting enforcement operations in McAllen, TX. HSI S/As observed a person later identified as GARZA and another individual each carrying firearm boxes that HSI S/As believed contained firearms. HSI S/As observed GARZA and the other individual walk to a White, Chevy Trailblazer and place the firearm boxes inside the vehicle. GARZA then drove the vehicle out of the area. HSI maintained mobile surveillance on the vehicle.
2. A Hidalgo County Sheriff's Deputy (HCSO) working enforcement operations with HSI observed the Chevy Trailblazer commit a traffic violation. The HCSO deputy conducted a traffic stop of the vehicle in McAllen, Texas. The HCSO deputy made contact with the driver, and identified the driver as Cristian Josue GARZA. During the traffic stop GARZA gave the HCSO deputy verbal and written consent to search his vehicle.
3. During the search of the vehicle the HCSO deputy located a; Colt, Government Model, .45 caliber pistol and Colt, Government Model, 9mm caliber pistol on the back seat of the vehicle.
4. A check of GARZA's Computerized Criminal History (CCH) revealed that GARZA is three time convicted felon in the below cases:
 - Convicted 1/27/16 in Hidalgo Co. TX Case CR-5872-15-H for Burglary of Vehicle W/ or more convictions. Sentenced to 1 year.
 - Convicted 1/27/16 in Hidalgo Co. TX Case CR-5872-15-H for Evading Arrest W/ Vehicle. Sentenced to 2 years.

- Convicted 1/27/16 in Hidalgo Co. TX Case CR-5873-15-H for Theft of Firearm. Sentenced to 1 year.
5. GARZA was detained by the HCSO deputy and HSI S/As and ATF was notified. GARZA was transported to the ATF McAllen III office.
 6. Once at the ATF office ATF confirmed the above detailed felony convictions for GARZA. GARZA was interviewed and made post Miranda statements admitting that the firearms belonged to him and that he had just purchased the firearms in a private sale right before he was encountered by law enforcement. Additionally, GARZA admitted that he knew was a multiple time convicted felon that could not legally purchase firearms.
 7. On October 20, 2018, ATF S/A F. Summers spoke with Interstate Nexus Expert, ATF RAC N. Rangel. Based on the information S/A Summers provided to RAC Rangel about the firearms, RAC Rangel stated that the firearms possessed by GARZA were manufactured outside the State of Texas. Therefore, the firearms had previously traveled in interstate or foreign commerce at some point prior to being possessed by any person in the State of Texas.
 8. Based upon the aforementioned, there is probable cause to believe that GARZA, was in possession of the above mentioned firearms in violation of Title 18, United States Code, Section 922(g)(1), on October 20, 2018, in Hidalgo County, Texas.
 9. This affidavit is based on the personal knowledge and observations of your affiant and other law enforcement personnel. This affidavit is intended to support probable cause, but it is not intended to convey all the facts of the investigation.